

## SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** Bella Woods Rezone from A-1 (Agriculture) to R-1AAA (Single-family Dwelling)

**DEPARTMENT:** Planning and Development      **DIVISION:** Planning

**AUTHORIZED BY:** Dori DeBord

**CONTACT:** Austin Watkins

**EXT:** 7440

**MOTION/RECOMMENDATION:**

1. Approve the request to rezone 3.34 ± acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to R-1AAA (Single-family Dwelling), and authorize the Chairman to execute the Rezone Ordinance, based on staff findings, (Larry W. Hodges, applicant); or
2. Deny the request to rezone 3.34 ± acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to R-1AAA, and authorize the Chairman to execute the Denial Development Order(Single-family Dwelling), (Larry W. Hodges, applicant); or
3. Continue the item to a time and date certain.

District 1 Bob Dallari

Austin Watkins

**BACKGROUND:**

The applicant is requesting a rezone from A-1 (Agriculture) to R-1AAA (Single-family Dwelling) on approximately 3.34 acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road. The R-1AAA (Single-family Dwelling) district requires a minimum lot size of 13,500 square feet and a minimum width at the building line of 100 feet. The Future Land Use designation of the subject property is Low Density Residential (LDR) which allows the requested zoning district. On October 23, 2007, the Board of County Commissioners denied the applicant's request to rezone the subject property from A-1 to PUD. The PUD Preliminary Master Plan proposed seven lots with a minimum lot size of 11,000 square feet and a minimum width at building line of 75 feet. The applicant's current request demonstrates a reduction in density from 2.59 dwelling units per net buildable acre (original proposal) to 2.22 dwelling units per net buildable acre. The minutes from the October 23, 2007, Board of County Commissioners meeting have been attached for reference. The Seminole County Land Development Code (LDC) requires the application of the Weighted Method for Determining Single-family Residential Compatibility in the Low Density Residential future land use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1383 of the Land Development Code and Policy FLU 2.10 of the Seminole County Vision 2020 Comprehensive Plan, and determined that the analysis supports the requested R-1AAA zoning classification.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** The Planning and Zoning Commission met on January 9, 2008 and voted 5 to 0 to recommend DENIAL of the request to rezone 3.34 ± acres, located on the north side of Dike Road approximately 900 feet east of the

intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to R-1AAA (Single-family dwelling).

**STAFF RECOMMENDATION:**

Staff recommends the Board approve the request to rezone 3.34 ± acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to R-1AAA (Single-family Dwelling).

**ATTACHMENTS:**

1. Staff Analysis
2. Location map
3. Zoning and FLU map
4. Aerial map
5. Ordinance
6. Denial Development Order
7. BCC minutes
8. Planning and Zoning minutes
9. School Analysis
10. Ownership Disclosure form

**Additionally Reviewed By:**

☒ County Attorney Review ( Kathleen Furey-Tran )

<b>Bella Woods Rezone</b>		
<b>APPLICANT</b>	Larry W. Hodges	
<b>PROPERTY OWNER</b>	H. L. RE Investments, LLC	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to R-1AAA (Single-family Dwelling)	
<b>PROPERTY SIZE</b>	3.34 ± acres	
<b>HEARING DATE (S)</b>	P&Z: January 9, 2008	BCC: February 26, 2008
<b>PARCEL ID</b>	25-21-30-300-0120-0000	
<b>LOCATION</b>	Located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road	
<b>FUTURE LAND USE</b>	Low Density Residential (LDR)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2007-82	
<b>COMMISSION DISTRICT</b>	#1 – Dallari	

### **Proposed Development:**

The applicant is proposing to develop a single family subdivision consisting of 6 lots; each lot having an area not less than 13,500 square feet and a minimum width of 100 feet at the building line.

### **ANALYSIS OVERVIEW:**

The following tables depict the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of R-1AAA (Single-family Dwelling):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (R-1AAA)</b>
Minimum Lot Size	43,560 square feet	13,500 square feet
Minimum House Size	N/A	1,600 square feet
Minimum Width at Building Line	150 feet	100 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	30 feet	10 feet
Side Street Setback	50 feet	25 feet
Rear Yard Setback	10 feet	30 feet
Maximum Building Height	35 feet	35 feet

Case NO.: Z2007-82  
Bella Woods

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Austin Watkins, Senior Planner  
District #1 – Dallari

## PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses		A-1 (Existing)	R-1AAA (Proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.		Single-Family dwelling units and their customary accessory uses, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.
Special Exception Uses	Special Exceptions such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.		Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, assisted living facilities, and communication towers.
Minimum Lot Size		43,560 sq. ft.	13,500 sq. ft.

## COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1A, R-1AA, or R-1AAA zoning classification. The proposed zoning district requires a minimum lot size of 13,500 square feet and a minimum width at the building line of 100 feet. The proposed development will provide transition between the higher intensity R-1A & R-1AA zoning to the south and the R-1AAA zoning to the north. Additionally, the proposed development allows for a better transition from the more intense Future Land Use designation of Office (OFF) at the intersection of Tuskawilla & Dike Rd to the A-1 zoning classification and Suburban Estates (SE) Future Land Use Designation which is approximately 330 feet east of the subject property.



## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on FIRM map panel number 12117C0145E, with an effective date of 1995, there appears to be no floodplains on the subject property.

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

#### *Endangered and Threatened Wildlife:*

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final engineering approval.

### **PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

#### *Utilities:*

The site is located in the Southeast Seminole County utility service area, and will be required to connect to public utilities (water). There is a 30-inch water main on the south side of Dike Rd. The subject development proposes septic tanks for individual lots. The subject property is in the ten year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

#### *Transportation / Traffic:*

The property proposes access onto Dike Road, which is classified as a local road. Dike Road is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

### *School Impacts:*

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

### *Drainage:*

The proposed project is located within the Howell Creek Drainage Basin, and has limited downstream capacity. The site will have to be designed to hold the 25-year, 96-hour volumetric difference.

### *Parks, Recreation and Open Space:*

The applicant is required to provide 25% of the site in open space per Section 30.1344 of the Seminole County Land Development Code.

### *Buffers and Sidewalks:*

The proposed development is adjacent to both residential and agricultural zoning districts; therefore, no exterior buffers are required. The applicant is required to build a sidewalk along their frontage of Dike Road. At this time there are no sidewalks along the north side of Dike Road, however if the adjacent properties develop they will be required to build sidewalks to connect to the proposed sidewalk.

## **APPLICABLE POLICIES:**

### **FISCAL IMPACT ANALYSIS**

This project does not warrant running the County Fiscal Impact Analysis Model.

### **SPECIAL DISTRICTS**

The subject property is not located within any special district or overlay.

### **COMPREHENSIVE PLAN (VISION 2020)**

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

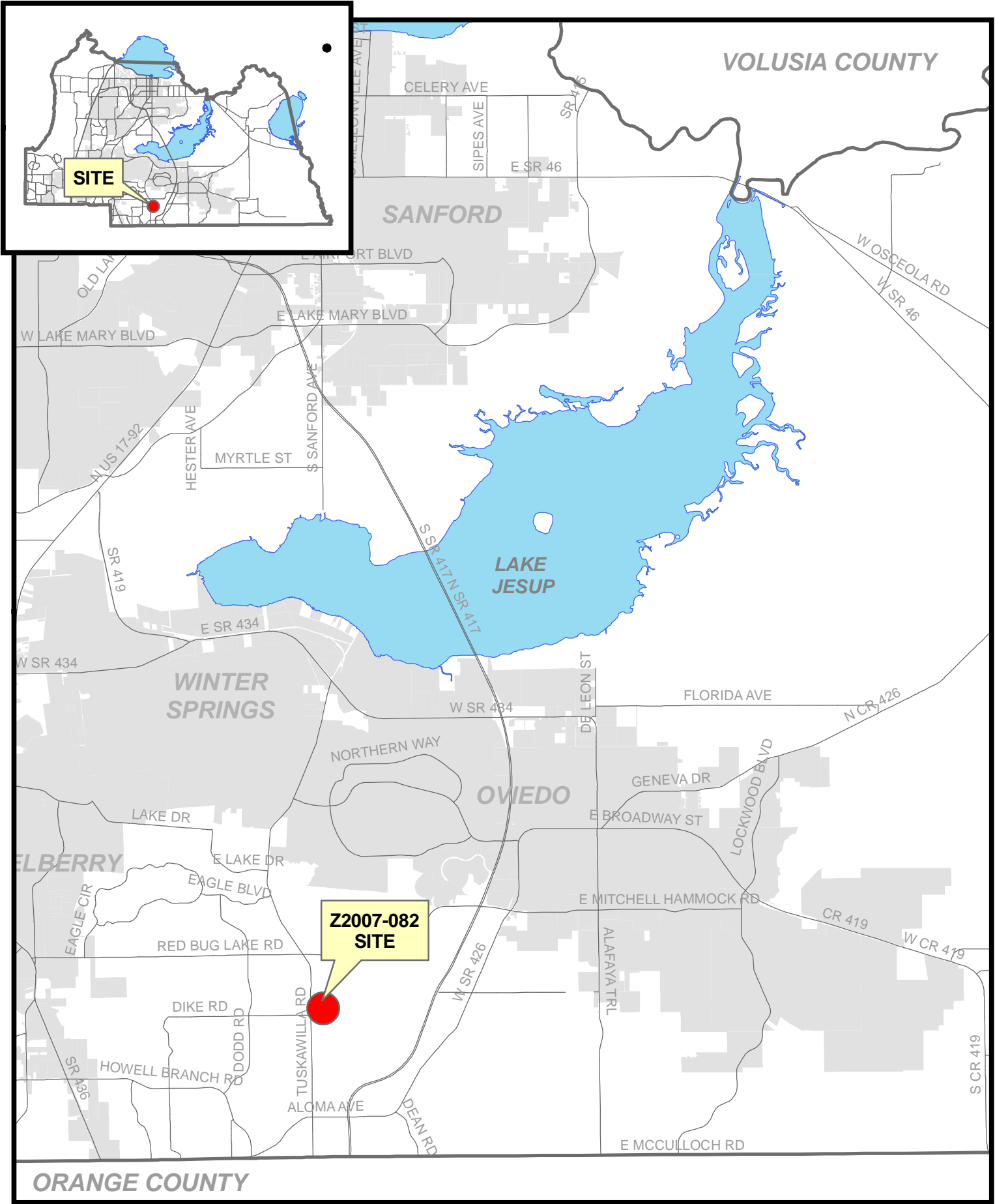
- |                  |  |
|------------------|--|
| Policy FLU 2.10: | Determination of Compatibility in the Low Density Residential Future Land Use Designation. |
| Policy FLU 12.4: | Relationship of Land Use to Zoning Classifications   |
| Policy FLU 12.5: | Evaluation Criteria of Property Rights Assertions  |
| Policy PUB 2.1:  | Public Safety Level-of-Service   |
| Policy POT 4.5:  | Potable Water Connection   |
| Policy PUB 2.1:  | Public Safety Level-of-Service   |

**INTERGOVERNMENTAL NOTIFICATION:**

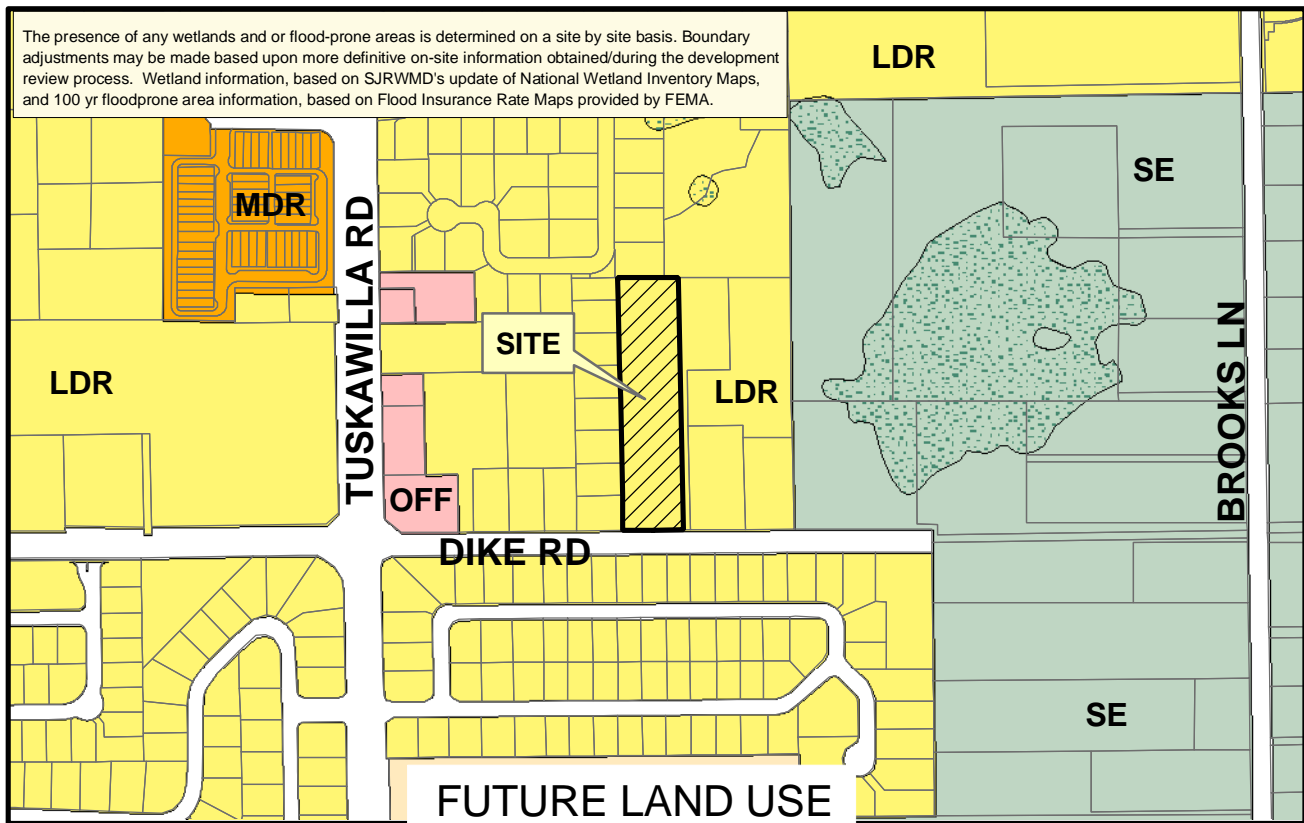
An intergovernmental notice was sent to the Seminole County School Board on May 11, 2007 and they have provided a School Capacity Analysis, which is attached.

**LETTERS OF SUPPORT OR OPPOSITION:**

No letters of concern have been received.



The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



LDR
  MDR
  OFF
  SE
  Site
  CONS

Applicant: Larry Hodges

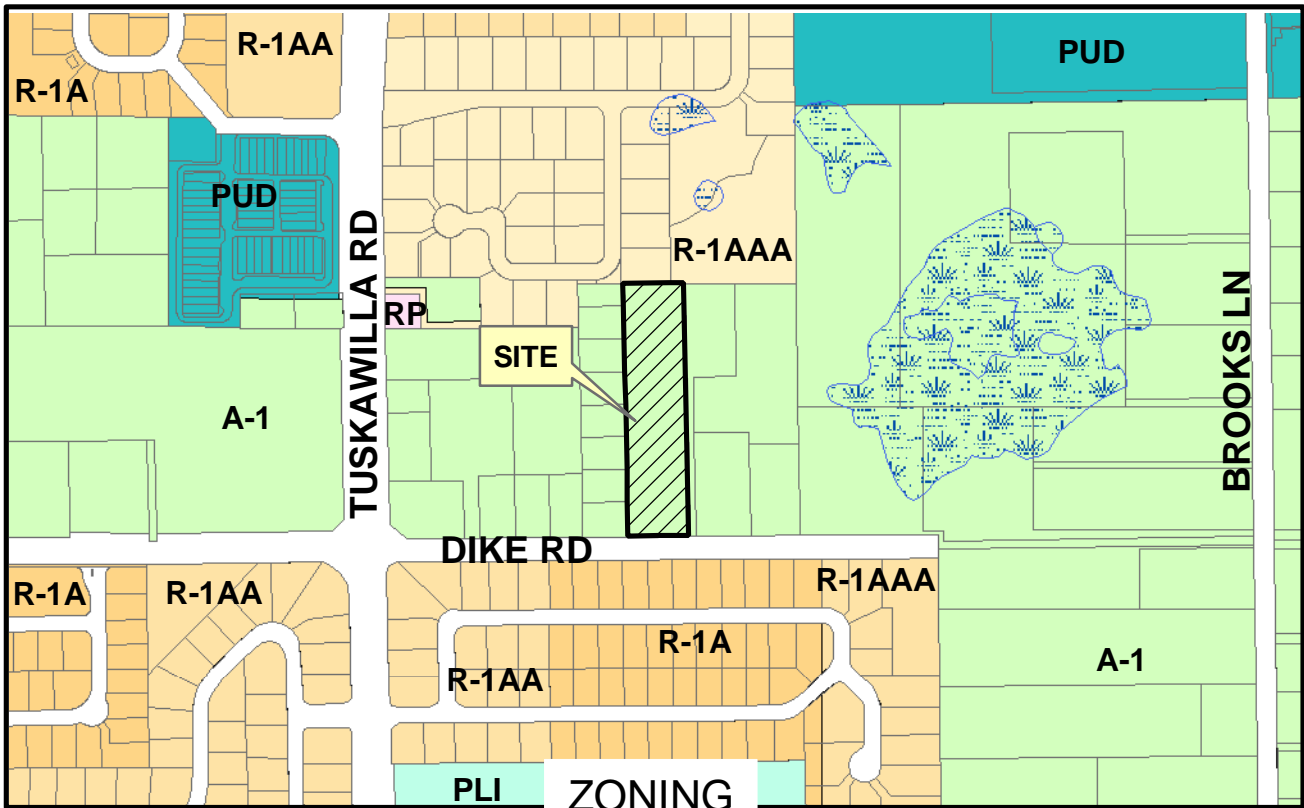
Physical STR: 25-21-30-300-0120-0000

Gross Acres: 3.34 +/- BCC District: 1

Existing Use: Single Family Residential

Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-082	A-1	R-1AAA



A-1
  R-1A
  R-1AA
  R-1AAA
  PUD
  RP
  PLI

FP-1
  W-1





Rezone No: Z2007-082  
 From: A-1 To: R-1AAA

- Parcel
- Subject Property



Winter 2006 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1AAA (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Bella Woods", dated February 26, 2008.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-1AAA (Single-family Dwelling):

**SEE ATTACHED EXHIBIT A**

**Section 3. EXCLUSION FROM CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes.

ENACTED this 26th day of February 2008.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

Brenda Carey  
Chairman



## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

The South 12 Chains of the W  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 25, Township 21 South, Range 30 East less West 140 feet of the South 12 Chains of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Lying North of Highway, Section 25, Township 21 South, Range 30 East, Seminole County, Florida.

Contains: 145,323 Square Feet or 3.34 Acres more or less.

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On February 26, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

**FINDINGS OF FACT**

**Property Owner:** H. L. RE Investments LLC  
1803 S. Australian Ave Ste. A  
West Palm Beach, FL 33409

**Project Name:** Bella Woods Rezone

**Requested Development Approval:**

Rezone from A-1 (Agriculture) to R-1AAA (Single-family Dwelling) on approximately 3.34 acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road.

The Board of County Commissioners has determined that the request for rezone from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Bella Woods Rezone from A-1 (Agriculture) to R-1AAA (Single-family Dwelling)" and all evidence submitted at the public hearing on February 26, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

**ORDER**

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is DENIED.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Brenda Carey, Chairman

EXHIBIT "A"

## LEGAL DESCRIPTION

The South 12 Chains of the W  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 25, Township 21 South, Range 30 East less West 140 feet of the South 12 Chains of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Lying North of Highway, Section 25, Township 21 South, Range 30 East, Seminole County, Florida.

Contains: 145,323 Square Feet or 3.34 Acres more or less.

The Chairman recessed the meeting at 10:42 a.m., reconvening at 1:30 p.m. with all Commissioners and all Other Officials with the exception of Deputy Clerk Sandy McCann, who was replaced by Deputy Clerk Carylon Cohen, who were present at the Opening Session.

#### PROOF OF PUBLICATION

**Motion** by Commissioner Dallari, seconded by Commissioner Carey, to accept the proofs of publication for today's scheduled public hearings into the Record.

Districts 1, 2, 3, 4 and 5 voted AYE.

#### PUBLIC HEARINGS

##### BELLA WOODS REZONE FROM A-1 TO PUD/LARRY W. HODGES

Proof of publication, as shown on page 1872, calling for a public hearing to consider rezoning approximately 3.34+/- acres located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to PUD (Planned Unit Development); Larry W. Hodges, received and filed.

Austin Watkins, Senior Planner, addressed the Board to present the request, stating the Planning and Zoning (P&Z) Commission met on September 5, 2007, and voted 5 to 1 to recommend denial of the request to rezone. Staff is recommending approval of the request to rezone and approval of the Preliminary Master Plan and Development Order.

George Garrett, 200 E. Robinson Street, Project Engineer, addressed the Board to state the proposed density is 2.59 lots per acre which fits into the Future Land Use Plan that allows up to four units per acre. He said the gross acreage for Tiffany Woods to the south is 2.75 units per acre; to the west, 11 homes have gross acreage at 3.24 units per acre. He

responded to concerns from the P&Z meeting. Regarding the use of septic tanks, he said they are on public water, but are proposing septic tanks due to the distance to public sewer. A concern was that the wells of the current homeowners are located within 50' of the proposed development's property lines. He said their septic tanks will be located in the front yards almost at the center of the property with the street located on the west side. He doesn't think the 75' yard setback required will be a problem for the adjacent private wells. He stated they are proposing a private road and a private retention pond that complies with the 25% open space. He advised they are willing to repave and widen Dike Road. He thinks the south side will be improved for drainage by widening the existing swale and providing extra storage. Also, DRC (Development Review Committee) has required they provide the additional impervious surface created by paving Dike Road within their stormwater pond. They have also complied with donating 15' of right-of-way and a sidewalk on their property. There is a possibility they may have to make some signal improvements on Dike Road at Tuskawilla Road.

Chairman Henley advised of receipt of one Written Comment Form from Martha Cannon in opposition.

Ian Phillips, 10048 Ian Street, speaking for himself and representing Dike Road residents, addressed the Board to state the Dike Road area is a unique neighborhood and it is distinct. He showed an aerial map (received and filed) and said the proposed development is compared to Tiffany Woods and Stonehurst off Tuskawilla Road; however, looking at the perimeter, 40% on the east is directly adjacent to agricultural lands; 40% on the west is adjacent to trailer

lots and next to that is Tuskawilla Middle School. To the south, 10% of the perimeter is on Dike Road. If you look at the development along Dike Road, the setbacks with the properties are 75' to 100'. This development will put the sides of the houses right up against Dike Road, and that will be inconsistent with the rest of the properties along Dike Road and they object to that. He showed a topographic map of the area and stated all the area up to his lot (Lot 12) contributes to the water flow into the wetlands and contributes to retaining the water that doesn't immediately flow into the wetlands. They have seen, with some development along Dike Road, that a small portion of the Dike Road hard surface causes a significant inflow of sand and water onto his property. Because 40% to 60% of the development will end up as hard surface, he is concerned with where all that water is going to go. All the property owners downhill to the east side are concerned about this situation. They are also concerned with the potential conflicts in terms of lifestyles and attitudes when you have people coming in when there are homeowner associations and low density residential having expectations of a certain lifestyle and being located next to agricultural land and the school zone. This is a situation that is going to cause conflict over the years. He said this development might make sense if all the property along Dike Road were to be developed into low density residential, but he pointed out that there is no indication of that. He said what they would like to see is a development more in keeping with the style of the Dike Road community with less density and a lot less hard surface. He reviewed the history of developments that have caused water problems for the

downstream neighbors. They feel this development is not in keeping with the style of the existing community and would like to see something more consistent with what is there.

Tracie Blakey, 1650 Brooks Lane, addressed the Board to state she owns the adjoining 25 acres to Lot 12. She referred to the topographic map and said she has agricultural. She said she also agrees that the infrastructure does not support the density the applicant is requesting. She stated all the power down the road runs down from one single line. She said Dike Road is a little better than a dirt road and it is full of trees. Most of the other property is covered all with trees and the majority there is farm animals. The surrounding lots are currently with one-acre homes. She said there are three individuals who actually own the trailer homes on the seven lots. She said the seven septic tanks on three and three quarter acres are a concern when everyone surrounding them drinks from the well. The drainage and sewage are not really a zoning issue, but they have the potential to hurt the County in the way of continued problems, which could result in lawsuits. She displayed a picture (received and filed) showing trees, brush growth and a drainage pond in the back of her property that drains directly from where the proposed drainage pond will go for the development. This drains directly into Stonehurst drainage pond. This has caused another wetland on the back of her property. She said the people building next to her are currently having drainage problems. She said as far as a PUD, there is no common area to preserve all the property; it's all just trees and there are no wetlands currently. She believes a PUD is just proposed so they can fit a higher density of houses in a

smaller area. She said R-1AAA would allow about the same but would require a wider lot, which she thinks would be fine. She said it does concern her that she would have farm animals up against seven homes, tightly fit within 75' of property lines, with potential children and the only thing protecting her and the children would be the barbed wire. There is the potential for her or her animals to become a nuisance or hurt someone scares her.

Jody Lazarus, 4736 Dike Road, addressed the Board to discuss non-conformity of the area, specifically to the east and west sides of the property. She referred to the maps and said there is a school abutting the property line and there are two schools within approximately five miles--Tuskawilla Middle and Lake Howell High. She said on the property behind the schools, the A-1 zoning has been preserved. The affluent Tuskawilla Montessori School would abut the seven homes in a rezoned area and she doesn't think that is conformity. She said all the homes on Dike Road face the road, but this would put the side of a home on Dike without the proper setback all the other homes have. This is also nonconformity. Additionally, this is Pre-K and little children living off three wells; and this would be putting in seven septic tanks in an area where all those septic tanks are bigger than any one of their drain fields and proposing bigger homes of 2100 square feet. She showed a picture (received and filed) of her driveway lining the road and pointed out the proximity of the back of the homes to the bulls and cows. She asked those in opposition to stand and approximately 13 persons stood in the audience. She said development is needed, but what is before the Board is not the appropriate thing.



Greg Fenton, 300 N. Lake Sybelia Drive, representing Stonehurst Development Corporation, addressed the Board to state they developed Stonehurst which is located to the north of this site. He showed a picture (received and filed) of the entrance to the development. He referred to the aerial and said they are in favor of smart development in Seminole County and for this particular area. They have some concerns that the approach being taken on this project may need a second look. He said they don't feel the proposed plan meets the test of smart development. He said approving the current plan would land-lock four adjacent parcels and make their redevelopment highly unlikely. He showed a map (received and filed) of the sites and pictures (received and filed) of trailers located on the sites. He said these lots are currently substandard and there is no right-of-way public road access. If there were to be a right-of-way created along the strip of those lots, it would force the lots down to a size that would not be in compliance with development standards. He requested the Board to require the applicant to extend the cul-de-sac up further so that it does not block access for these lots. He said he is not suggesting the developer bear the burden of connecting these other lots but they think there may be some creative ways through the covenants and restrictions for the developer to accommodate bringing these other lots on. He said a number of speakers brought up the issue of stormwater management in this area, and they have significant experience and investment in dealing with stormwater in the area. He asked if the County would look carefully at this item to avoid the blockage of the current offsite water flow from the developed property.

Commissioner Carey discussed with Mr. Fenton his suggestion and why Stonehurst did not give access to the properties on the north. She said she doesn't believe it is the responsibility of the landowner to give access to someone else's property when they have access through the entitled easement on the west side of their property all the way down.

Sharon Moore, 1665 Bothin Lane, addressed the Board to state she lives in the first trailer next to the subject property and has been there for 11 years. She said living there is like being in the country in the city. Everybody is friendly and gets along. The main thing is putting these big houses next to them. There is going to be a confrontation later on. There is going to be a road going in later and there won't be a wall or fence. When they build next to her fence lines, she will have water problems. She agrees with everyone else that lives on Dike Road that this housing is too much for the area they live in now. Once those houses get there, if there is no fence or wall, they will have children coming over. The next thing, they will have the police and lawsuits, etc. Regarding the sewage, that's too close to their wells also. The applicant said they were trying to get each house to have its own septic tank. She said their trailers have been grandfathered in years ago. If the County is going to rezone that one piece of property, they can't expect to have a septic tank and house in the same way as the trailer and septic tank. These are two totally different zoned areas. She advised Commissioner Carey that three other people live in the trailers in back of her. To her knowledge they are all rental trailers.

Jack Sedlak, 4649 Tiffany Woods Circle, addressed the Board to state their concern in the Tiffany Woods subdivision is that there is significant investment by the County to improve the drainage system that goes down through their properties. If this project were to move forward, they are asking that the developer be responsible for the runoff from the road they would have to put in. He said the people who live in back of them are good neighbors. They like the fact that there is agricultural behind them. He stated he feels this project doesn't fit into the flow of the area and doesn't meld with the properties already there.

No one else spoke in support or in opposition.

Speaker Request and Written Comment Forms were received and filed.

Upon inquiry by Commissioner Carey, Mr. Watkins reviewed the square footage of the lots in R-1A, R-1AA and R-1AAA. He confirmed that the lots (R-1A, approximately 9,000 square feet) in Tiffany Oaks are smaller than what's being proposed. Stonehurst is R-1AAA, 13,700 square feet. He also discussed the scenario if someone wanted to build a home on the lots to the west of the trailers; and how people to the east of the property would be able to build their homes.

Commissioner Carey questioned if there has been an easement of use for a number of years, does that become a legal access point.

Mr. McMillan stated he would have to look at the particular instance in each parcel and determine what the facts were. He would have to review what the code requires at a particular time.

Commissioner Carey asked County Engineer Jerry McCollum if the County would typically ask a private land owner to deal with stormwater off a County road.

Mr. McCollum stated that can happen in certain cases; for example, if there is a limited right-of-way and some improvements are being done on the road like turn lanes and there is no room in the County right-of-way to accommodate that, the developer would have to accept the stormwater.

District Commissioner Dallari stated in looking at the zoning plan and future zoning plan of this site, the existing site is A-1 to the east and R-1AAA to the north. He always likes to see transition areas from the most dense to the least dense areas. Looking at the property to the east, it is in its final development stage. Looking at the lot size compatibility analysis, that calculation came up with R-1AAA. For that reason, he feels there are too many lots on this one piece of property.

**Motion** by Commissioner Dallari, seconded by Commissioner McLean, to deny the request to rezone 3.34+/- acres, located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to PUD (Planned Unit Development), as described in the proof of publication, Larry W. Hodges; and authorize the Chairman to execute the Denial Development Order, as shown on page 1873.

Districts 1, 2, 3, 4 and 5 voted AYE.

**BOUGAINVILLEA CLINIQUE REZONE AND  
SMALL SCALE LAND USE AMENDMENT**

Proof of publication, as shown on page 1872, calling for a public hearing to consider adoption of an Ordinance for a Small Scale Future Land Use Amendment from LDR (Low Density

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/  
PLANNING AND ZONING COMMISSION**

***WEDNESDAY, JANUARY 9, 2008***

**Commission members present:** Ben Tucker, Melanie Chase, Dudley Bates, Walt Eismann, and Kim Day.

**Commission members absent:** Rob Wolf, Matthew Brown

**Also present:** Dori DeBord, Director of Planning and Development; Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Ian Sikonia, Senior Planner; Austin Watkins, Senior Planner; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

**Bella Woods Rezone; Larry Hodges / H.L. Re Investments, LLC, applicant;** 3.34 ± acres; Rezone from A-1 (Agriculture) to R-1AAA (Single Family Residential District); for 6 single-family lots; located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road. (Z2007-82)

Commissioner Dallari – District 1  
Austin Watkins, Senior Planner

Mr. Watkins reviewed the lot size of R-1AAA zoning and explained the definition of Low Density Residential future land use. He stated that staff has completed a lot size compatibility analysis of the area of the request and has found that the analysis supported the zoning request for R-1AAA sized lots.

Mr. Watkins stated that on October 23, 2007, the Board of County Commissioners denied the applicant's request to rezone the subject property from A-1 to PUD. The PUD preliminary master plan proposed seven lots with a minimum lot size of 11,000 square feet and a minimum width at building line of 75 feet. The applicant's current request demonstrates a reduction in density from 2.59 dwelling units per net buildable acre (original proposal) to 2.22 dwelling units per net buildable acre based on 6 lots.

The surrounding area has the Low Density Residential Future Land Use designation. East of the subject property is the Suburban Estates Future Land Use designation. To the south is the R-1A and R-1AA Residential Zoning Districts. West of the subject property is the Future Land Use designation of Office and Low Density Residential Future Land Use designation.

Mr. Watkins stated that this request would better transition the area from higher intense uses located along Tuskawilla Road and south of the subject property to the Low Density residential and Suburban Estates east of the subject property. Staff recommendation is for approval of the applicant's request.

George Garrett, 200 E Robinson Street, Orlando, stated that the requested R-1AAA zoning would provide a better transition than the PUD (with 7 lots) that was previously denied.

Commissioner Eismann asked for a clarification of the number of lots being planned.

Mr. Garrett said that six lots were planned. That is all that can be placed there with the 13,500 square-foot minimum lot size for the R-1AAA zoning and the 100-foot minimum lot width.

Jami McCutcheon of 4750 Dike Road said that she lives east of and adjacent to the subject property. She is concerned about the density of these homes. Adjacent neighborhoods are not visible from her property. A street and 6 houses does not make a community. There are a lot of people who would like to live on one acre lots here. This will not fit well.

Bobbie and Jim Womble submitted written comments of objection stated that the proposed project has lots that are not compatible with the area. They were also concerned about the septic tanks being too close to wells in the area.

Tracie Blakey of 1560 Brooks Lane owns a 25 acre farm adjacent on the west of the site. She is concerned because the drainage from Stonehurst goes onto her property already, and this will add to it. She requested sewers be used and that the storm water run-off be contained. She also was concerned about buffers. She has cows, bulls, and horses on her Agricultural zoned property. Ms. Blakey also wanted to know where the retention pond was going to be placed. The clearing of the land of large oak trees for construction of the homes will take away a means of absorbing storm water from the land. The area will not have the same drainage. This application will not fit without sewers, drainage containment and buffered walls.

Ian Phillips of 4800 Dike Road lives on the far side of Tracie Blakey's property. He is downhill of this site. He already has problems with drainage on his property. He is concerned with potential impervious parts of the site.

Mr. Phillips handed out a packet with Land Development Code (LDC) quotations concerning scenic corridors, well protection and septic conditions, and mobile home parks. He also talked about setbacks along Dike Road. Mr. Phillips quoted LDC section 30-1341 concerning setbacks.

Section 30-1345 of the LDC was quoted pertaining to the presence of livestock on Agricultural zoned land.

Mr. Phillips also mentioned open space requirements and required landscaping.

He concluded by proposing 3 lots zoned A-1 for the site, rather than R-1AAA. This would help lessen the run-off.

Shar Moore said that her well was within 25 feet of the proposed road. She is concerned with people entering her property from the site. She would like to have a wall to protect her from the development.

Jody Lazarus of 4736 Dike Road said that this site had been denied a rezoning in October. Using a map, Ms. Lazarus stated that the agricultural land use to the east was end-stage land use. It was not changing. Commissioner Dallari did not feel that the previously denied 7 lots provided adequate transition. She pointed out that the first house on the proposed road will be sideways to Dike Road. She was concerned with transition and land use in the area. She pointed out the land uses around two area schools, Tuskawilla Middle School and Lake Howell High School, indicating large areas of undeveloped green space. She said that Commissioner Carey was concerned with an easement to the east. Ms. Lazarus said that easement is an easement to the Lazarus property. She is concerned for the livestock in the area.

Mark Crone of Stonehurst Development Corporation said he is in favor of smart development. He used an area map to indicate that lots 11, 11G, 11F, and 11B will be landlocked by this project with a private street. They need a private right of way. If the adjacent lots are to be redeveloped they would require a 50 foot right-of-way. The adjacent lots are 140 feet deep. After subtracting the setbacks one is left with a tiny building pad. He recommended that the applicant be required to provide access to Mr. Garcia's property and the Stonehurst lot on the proposed road, with monetary compensation for such rights.

Blair Walters lives in Tiffany Woods. She is concerned about the drainage in the area. She also asked what would happen to the width of Dike Road. She said that widening Dike Road would take down trees that give her lot privacy.

Mr. Garrett spoke in rebuttal. He stated that straight zoning does not require site plans. Some of the regulations read by Mr. Phillips pertained to PUD development. R-1AAA zoning has a 30-foot rear setback. The stormwater will be in the northeast corner, where it is the lowest. Mr. Garrett stated that he had done preliminary stormwater analysis and that he will conform with County standards. The setback from Dike Road is 25 feet, with the first house being on a corner lot. The area school is on water and sewer. He did not think it was on well water. Bodkin Lane has prescriptive rights for the 8 lots to the west. The drainage is to the north, away from Tiffany Woods. The 6 lots he is proposing

are larger than Tiffany Woods lots, which are R-1AA. He will conform to the R-1AAA zoning regulations and requests approval.

Commissioner Eismann asked about the access to the lots to the west. Do they have to be granted access?

Tina Williamson stated that the 8 lots to the west are currently non-conforming lots. They appear to have access to the public road through a prescriptive rights easement currently. If they come back at some time in the future, to develop their lots in some sort of subdivision process, they would be required to provide an access road.

Commissioner Tucker asked about the status of the 8 lots at this time. As long as they keep the land use that they have now, they are conforming.

Ms. Williamson said that they are legally grandfathered, non-conforming uses.

Commissioner Tucker asked for an explanation of how the staff comes to a recommendation.

Mr. Watkins said that the lot size compatibility analysis was conducted and it supported the R-1AAA zoning district. This examines the relationship of the surrounding zoning districts by 330 feet as well as 660 feet buffer. On the subject property with the Low Density Residential Future Land Use we have the ability to give extra points to properties that are not in final form of development and that have access to additional urban services.

Commissioner Tucker asked about the availability of sewers.

Mr. Watkins said that sewers were available off of Tuskawilla Road. There is also a lift station in the subdivision to the north of the subject property. It would be up to the applicant to decide whether they would want to hook up with public water and sewer. They can do septic as long as they meet the minimum requirements with the state of Florida. The R-1AAA zoning minimum lot size has been met.

Commissioner Tucker asked about the minimum distance necessary to have a well from a side yard setback and from the road.

Tina Williamson said that wells are established through the Department of Health. Planning does not deal with wells.

Commissioner Tucker asked if a drainage pond can be placed in a setback from Dike Road.



Ms. Williamson stated that setbacks are established on the individual building lots themselves. A pond can be placed in a setback.

Commissioner Tucker asked about the 150 foot setback for livestock.

Ms. Williamson quoted Section 30.1345 which states that in any residential area, no commercial kennels, or any livestock or fowl may be housed or pastured closer than 150 feet to any lot line, nor may any commercial production of any stock animal or fowl be permitted. That would apply if someone in this subdivision wanted to have a commercial kennel; they would have to meet a 150 foot setback. The setback is not from livestock on other properties, it's from the property that they want to do the livestock production on.

Commissioner Tucker said that the setback is applicable to the adjacent agricultural property, but not to the applicant.

Commissioner Eismann asked about the scenic corridor question brought up by a speaker.

Mr. Watkins stated that such rules apply to the eastern rural area, not here.

Commissioner Eismann asked about the mobile home park rules quoted by one of the speakers.

Ms. Williamson read from the code that such mobile home parks as those adjacent to the site of the application are allowed to continue, but may not be enlarged or extended beyond the originally approved master plan.

**Commissioner Chase made a motion to recommend denial of the request for a rezone from A-1 (Agriculture) to R-1AAA (Single Family Residential District); for 6 single-family lots; located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road.**

**Commissioner Bates seconded the motion.**

Commissioner Eismann asked if the project is straight zoning, then the County is looking at individual lots. How is the drainage addressed?

Tina Williamson said that the applicant would have to go through the full subdivision process, have a PSP that would come back to this board, and apply for and have a final plat, conforming to all of the applicable regulations of the County and the Water Management District.

**The motion passed unanimously, 5 – 0. Recommendation was for denial.**



## SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

**To:** Seminole County Board of County Commissioners

**From:** George Kosmac, Deputy Superintendent, Seminole County Public Schools

**Date:** August 14, 2007

**RE. Z2007-25 Bella Woods Rezone**

Seminole County Public Schools (SCPS), in reviewing the above rezone request, has determined that if approved the new zoning designation would have the effect of increasing residential density, and as a result generate additional school age children.

**Description** - 3.3-acres Located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike road. The applicant is proposing to construct an 8 single family dwelling unit subdivision, at a density of approximately 2.4 dwelling units per net buildable acre.  
Parcel ID #: 25-21-30-300-0120-0000.

Based on information received from Seminole County Planning and from the staff report for the request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
8		8		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Red Bug	2	819	841	102.7	13
Middle Tuskawilla	1	1250	1153	92.2	33
High Lake Howell	1	2363	2241	94.9	36

### **Terms and Definitions:**

**Florida Inventory of School Houses (FISH):** The numbering and data collection system developed and assigned through the Department of Education for land parcels, buildings, and rooms in public educational facilities. Based upon district data entry, FISH generates the student station counts and report data for school spaces throughout the districts and the State.

**Student Stations:** The actual number or count of spaces contained within a room that can physically accommodate a student. By State Board Rule, the student station count is developed at the individual room level. Prior to Class Size Reduction (CSR), the number of student stations assigned to a room was dependent upon the room size and the particular the instructional program assigned to the room. This is no longer the case for core curricula spaces (see e. below). The total number of student stations at a campus is determined by the cumulative student station count total of the rooms at the campus that are assigned student station counts.

**Utilization:** A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

**Capacity:** The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. That percentage factor is typically referred to as the "Utilization Factor". The capacity of a campus is therefore determined by multiplying the total number of student stations by the utilization factor (percentage). NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

**Class Size Reduction (CSR):** Article IX of the Florida Constitution requires the legislature to "make adequate provision" to ensure that by the beginning of the 2010 school year, there will be a sufficient number of classrooms for a public school in core related curricula so that:

- i) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;
- ii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
- iii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students

**School Size:** For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

**Projected Number of Additional Students:** is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

**Full Time Equivalent (FTE)** - A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

**Students Resulting from Recently Approved Developments** is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

**Comments:**

The students generated at the Elementary and Middle and High school level resulting from the proposed development, would at this point be able to be absorbed into the zoned schools without adverse affect. While there are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected schools, the addition of these students would not require consideration.

In addition to the students generated from the proposal, the number of students expected from recent developments in the attendance areas of the affected schools would also place further capacity pressures on the school system. These new developments combined with this proposal and any subsequent approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements.

# SEMINOLE COUNTY APPLICATION & AFFIDAVIT

## Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-\_\_\_\_\_:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: LARRY W. HODGES

Name: \_\_\_\_\_

Address: 181316 HASTING AVE

Address: \_\_\_\_\_

Phone #: WDS 7-33409

Phone #: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Phone #: \_\_\_\_\_

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: H. L. RE, ENV LLC

Name of Corporation: \_\_\_\_\_

Officers: LARRY W. HODGES

Officers: \_\_\_\_\_

Address: APT 112

Address: \_\_\_\_\_

Directors: SOLE MEMBER

Directors: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Shareholders: \_\_\_\_\_

Shareholders: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: \_\_\_\_\_

Beneficiaries: \_\_\_\_\_

Trustees: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: H.L.R. & W. LLC

Name of Partnership: \_\_\_\_\_

Principal: LARRY W. HODGES

Principal: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee:

Contract Vendee:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

Date

1/25/08

Owner, Agent, Applicant Signature

*[Signature]*

STATE OF FLORIDA

COUNTY OF Palm Beach

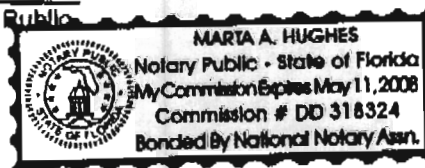
Sworn to (or affirmed) and subscribed before me this 25 day of Jan, 2008 by LARRY W. HODGES

*[Signature]*  
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Personally Known ☒ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



**For Use by Planning & Development Staff**

Date: \_\_\_\_\_

Application Number: \_\_\_\_\_

Form #

Date